

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE
PIDDE, JAMES CICHANOFSKY, ROGER
MILLER, and GEORGE NOWLIN,

Plaintiffs,

v.

CNH GLOBAL N.V. and CNH AMERICA
LLC,

Defendants.

Case 2:04-cv-70592-PJD-PJK

Hon. Patrick J. Duggan, U.S.D.J.

Hon. Paul J. Komives, U.S. Mag. J.

**CNH GLOBAL N.V.'S RESPONSE TO
PLAINTIFFS' FIRST REQUESTS FOR ADMISSION**

CNH Global N.V. hereby responds to Plaintiffs' First Requests for Admission. *See* Fed. R. Civ. P. 36(a).

GENERAL OBJECTIONS

1. CNH Global objects to Plaintiffs' requirement that CNH Global respond to Plaintiffs' requests for admission "under oath" (Pls.' 1st Reqs. Admiss. 1); no such requirement exists for responses to requests for admission. *See* Fed. R. Civ. P. 36.
2. CNH Global objects to the requests for admission to the extent that they seek information that is not "relevant to any party's claim or defense." *Id.* R. 26(b)(1).
3. CNH Global objects to the requests for admission to the extent that they are "unreasonably cumulative or duplicative" or seek information that "can be obtained from some other source that is more convenient, less burdensome, or less expensive." *Id.* R. 26(b)(2)(C)(i).
4. CNH Global objects to the requests for admission to the extent that they seek information that Plaintiffs "ha[ve] had ample opportunity to obtain." *Id.* R. 26(b)(2)(C)(ii).

5. CNH Global objects to the requests for admission to the extent that “the burden or expense” of responding to them “outweighs [their] likely benefit, considering the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the action, and the importance of the [requests for admission] in resolving the issues.” *Id.*

R. 26(b)(2)(C)(iii).

6. CNH Global objects to Plaintiffs’ definition of “Company” (Pls.’ 1st Reqs. Admiss. 2), because “the burden or expense” of responding to requests for admission using the term “outweighs [their] likely benefit, considering the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the action, and the importance of the [requests for admission] in resolving the issues.” Fed. R. Civ. P. 26(b)(2)(C)(iii). CNH Global will interpret “Company” to mean, as appropriate, itself or CNH America LLC.

ANSWERS

1. Admit that the precise plan proposed by the Company to implement with respect to the Class is contained in its entirety* in Exhibits A and B, attached.

ANSWER: CNH Global incorporates by reference its General Objections 4, 5, and 6. Subject to these objections, CNH Global denies this request. CNH Global states further that the plan of health benefits proposed by CNH America for members of the plaintiff class is described by (1) sections A, B, C, D, E, F, H, and I of the draft summary plan description dated January 23, 2013; (2) the ERISA “wrap” plan entitled “CNH Health and Welfare Plan” and dated January 1, 2009; and (3) the responses provided on March 1, 2013, by CNH Global and CNH America to Plaintiffs’ questions about the proposed plan.

2. Admit that the 2005 Plan Participants received a \$7,500 payment to their RMSA when they retired.

* There are no additional plan documents which limit or broaden the proposed plan terms.

ANSWER: CNH Global incorporates by reference its General Objections 2, 3, 4, and 5. Subject to these objections, CNH Global admits that, as part of the 2005 collective-bargaining agreement between CNH America and the UAW, (1) each current active UAW employee hired prior to May 14, 1998, and (2) each UAW-represented employee who retired from CNH America on or after December 1, 2004, and was eligible for retiree health benefits received a notional RMSA with \$7,500 in it. CNH Global denies the remainder of the request.

3. Admit that the Class will not receive a \$7,500 payment to an RMSA under the Proposed Plan.

ANSWER: CNH Global incorporates by reference its General Objections 2, 3, 4, and 5. Subject to these objections, CNH Global admits this request but notes that members of the plaintiff class who retired on or after December 1, 2004, received an RMSA under the 2005 CBA.

4. Admit that the 2005 Plan Participants who were Medicare-eligible retirees received annual Company contribution payments of \$50/year of credited service up to \$1,500 between the date of retirement and 2011.

ANSWER: CNH Global incorporates by reference its General Objections 2, 3, 4, 5, and 6. Subject to these objections, CNH Global admits this request.

5. Admit that the Class will not receive the annual payments referenced in 4, above, under the Proposed Plan.

ANSWER: CNH Global incorporates by reference its General Objections 2, 3, 4, and 5. Subject to these objections, CNH Global admits this request.

6. Admit that a Proposed Plan Participant's coverage will end if a premium payment is missed.

ANSWER: CNH Global incorporates by reference its General Objection 4. Subject to this objection, CNH Global denies this request.

7. Admit that the Proposed Plan will cover:


All former bargaining unit employees who retired under the Case Corporation Pension Plan for Hourly Paid Employees after July 1, 1994, and who retired on or before April 1, 2005 (other than former employees eligible for or receiving retirement benefits under the deferred vested provisions of the Pension Plan and former employees hired after May 18, 1998), and all surviving spouses of those former bargaining unit employees.

ANSWER: CNH Global incorporates by reference its General Objection 4. Subject to this objection, CNH Global admits this request.

Dated: April 18, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that **CNH Global N.V.'s Response to Plaintiffs' First Requests for Admission** was served on April 18, 2013, by first-class mail, postage prepaid, on:

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